

**APPENDIX J**  
**AGENCY BIOLOGICAL DOCUMENTATION**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE



*Upper Columbia Fish and Wildlife Office  
11103 East Montgomery Drive  
Spokane, Washington 99206*

January 16, 2008

Earl Liverman, On-Scene Coordinator  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

Subject: Species List for Former Railroad Maintenance and Refueling Facility

Reference Number: 1-9-08-SP-0036 (File Number 600.0200)

Dear Mr. Liverman:

This responds to your January 8, 2008, request for a list of threatened and endangered species that may occur in the vicinity of the former railroad maintenance and refueling facility located at Township 45 North, Range 5 East, Section 16, near Avery, Shoshone, County, Idaho. Your letter was received in our office January 9, 2008. Please use the above reference number for all future correspondence regarding this project.

We have reviewed the information you provided. Our records indicate that the following listed, proposed, and candidate species, and designated and proposed critical habitat, may occur in the vicinity of the project and could potentially be affected by it:

### Listed Species

#### Endangered

None

#### Threatened

Gray wolf (*Canis lupus*)<sup>1</sup>

Bull trout (*Salvelinus confluentus*)

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<sup>1</sup> Gray wolves occurring in Idaho south of Interstate 90 are listed as a nonessential experimental population, with special regulations defining their protection and management, as outlined in the final rules published in the *Federal Register*, vol. 59, no. 224 - November 22, 1994. These regulations include special provisions regarding "take" of gray wolves. For section 7 interagency coordination purposes, wolves designated as nonessential experimental that are not within units of the National Park System or National Wildlife Refuge System are treated as proposed species. As such, Federal agencies are only required to confer with the Service when they determine that an action they authorize, fund, or carry out is "likely to jeopardize the continued existence" of the species.

## Designated Critical Habitat

Bull trout critical habitat

## Candidate Species

None

Federal agencies must meet their responsibilities under section 7 of the Endangered Species Act of 1973, as amended (Act), as outlined in Enclosure A. Enclosure A includes a discussion of the contents of a Biological Assessment (BA), which provides an analysis of the impacts of the project on listed and proposed species, and designated and proposed critical habitat. Preparation of a BA is required for all major construction projects. Even if a BA is not prepared, potential project effects on listed and proposed species should be addressed in the environmental review for this project. Federal agencies may designate, in writing, a non-federal representative to prepare a BA. However, the involved federal agency retains responsibility for the BA, its adequacy, and ultimate compliance with section 7 of the Act.

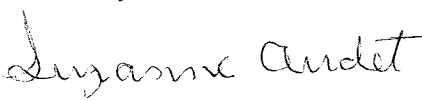
Preparation of a BA would be prudent when listed or proposed species, or designated or proposed critical habitat, occur within the project area. Should the BA determine that a listed species is likely to be affected by the project, the involved federal agency should request section 7 consultation with the U.S. Fish and Wildlife Service (Service). If a proposed species is likely to be jeopardized by the project, regulations require conferencing between the involved federal agency and the Service. If the BA concludes that the project will have no effect on any listed or proposed species, we would appreciate receiving a copy for our information.

If you would like information concerning state listed species or species of concern, you may contact the Idaho Department of Fish and Game, at (208) 334-3402.

This letter fulfills the requirements of the Service under section 7 of the Act. Should the project plans change significantly, or if the project is delayed more than 90 days, you should request an update to this response.

Thank you for your efforts to protect our nation's species and their habitats. If you have any questions concerning the above information, please contact Bryon Holt at (509) 893-8014.

Sincerely,

  
for Supervisor

Enclosure

cc: IDFG, Region 1

**Responsibility of Federal Agencies under Section 7  
of the Endangered Species Act**

Section 7(a) - Consultation/Conferencing

- Requires: 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
- 2) Consultation with the U.S. Fish and Wildlife Service (Service) when a federal action may affect a listed species to ensure that any action authorized, funded, or carried out by a federal agency will not jeopardize the continued existence of listed species, or result in destruction or adverse modification of critical habitat. The process is initiated by the federal agency after determining that the action may affect a listed species; and
- 3) Conferencing with the Service when a federal action may jeopardize the continued existence of a proposed species, or result in destruction or adverse modification of proposed critical habitat.

Section 7(c) - Biological Assessment for Major Construction Activities

Requires federal agencies or their designees to prepare a Biological Assessment (BA) for major construction activities<sup>1</sup>. The BA analyzes the effects of the action, including indirect effects and effects of interrelated or interdependent activities, on listed and proposed species, and designated and proposed critical habitat. The process begins with a request to the Service for a species list. If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the list should be verified with the Service. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable between the Service and the involved federal agency).

We recommend the following for inclusion in a BA: an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if listed or proposed species are present; a review of pertinent literature and scientific data to determine the species' distribution, habitat needs, and other biological requirements; interviews with experts, including those within the Service, state conservation departments, universities, and others who may have data not yet published in scientific literature; an analysis of the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; and an analysis of alternative actions considered. The BA should document the results of the impacts analysis, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not any listed species may be affected, proposed species may be

jeopardized, or critical habitat may be adversely modified by the project. Upon completion, the BA should be forwarded to the Service.

Major concerns that should be addressed in a BA for listed and proposed animal species include:

1. Level of use of the project area by the species, and amount or location of critical habitat;
2. Effect(s) of the project on the species' primary feeding, breeding, and sheltering areas;
3. Impacts from project construction and implementation (*e.g.*, increased noise levels, increased human activity and/or access, loss or degradation of habitat) that may result in disturbance to the species and/or their avoidance of the project area or critical habitat.

Major concerns that should be addressed in a BA for listed or proposed plant species include:

1. Distribution of the taxon in the project area;
2. Disturbance (*e.g.*, trampling, collecting) of individual plants or loss of habitat; and
3. Changes in hydrology where the taxon is found.

#### Section 7(d) - Irreversible or Irretrievable Commitment of Resources

Requires that, after initiation or reinitiation of consultation required under section 7(a)(2), the Federal agency and any applicant shall make no irreversible or irretrievable commitment of resources with respect to the action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives which would avoid violating section 7(a)(2). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied.

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<sup>1</sup> A major construction activity is a construction project, or other undertaking having similar physical impacts, which is a major action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act [42 U.S.C. 4332 (2)(c)].



**IDAHO DEPARTMENT OF FISH AND GAME**

600 South Walnut/P.O. Box 25  
Boise, Idaho 83707

C.L. "Butch" Otter / Governor  
Cal Groen / Director

**M E M O R A N D U M**

TO: Donna DeFrancesco, Golder Associates

FROM: George Stephens, Idaho Fish and Wildlife Information System (IFWIS)

DATE: 15 December 2009

RE: T45N R5E S15 NW4 and S16 NE4

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**Species list for T45N R5E S15 NW4 and S16 NE4**

Species known to occur within the defined project

Bull trout – St. Joe River.  
Westslope cutthroat trout - St. Joe River.

Species which should be considered possible within the defined project area

Coeur d'Alene salamander – four known occurrences within one mile upstream  
and downstream from the project quarter-sections.

**Please note:** The quantity and quality of data collected by the Idaho Department of Fish and Game (IDFG) are dependent on the research and observations of many individuals and organizations. In most cases, these data are not the result of comprehensive or site-specific field surveys; many natural areas in Idaho have never been thoroughly surveyed. For these reasons, the IDFG cannot provide a definitive statement on the presence, absence, or condition of biological elements in any part of Idaho. IDFG reports summarize the existing information known to the IDFG at the time of the request regarding the biological elements or locations in question. They should never be regarded as final statements on the elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.